

## **Planning and Zoning Commission Regular Meeting**

**January 12, 2005**

### **1. CALL SESSION TO ORDER**

The January 12, 2005 Regular Meeting of the Planning and Zoning Commission was held in the Council Chambers of the City Hall of Round Rock located at 221 East Main Street.

With a quorum present, Chairman Al Kosik called the meeting to order at 7:03 p.m.

### **2. ROLL CALL**

Present for roll call, along with Chairman Kosik were Commissioners Sandy Arnold, Russ Boles, Peter Drapes, Dale Austin, Larry Quick, Ray Thibodaux and David Pavliska.

Commissioner Weeks was absent from the meeting. Staff included Jim Stendebach, Planning Director, Susan Brennan, Principal Planner, Bernadette Hayes, Senior Planner, James Hemenes, Park Planner, Alysha Girard, Development Services Manager, Joe Vining, Ex. Director of Planning and Community Development, Joelle LaBrosse, Senior Planner and Dianna Hutchens, Administrative Technician.

### **3. APPROVAL OF THE DECEMBER 1, 2004 REGULAR MEETING MINUTES.**

**Motion:** Commissioner Boles made a motion to approve the December 1, 2004 regular meeting minutes. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

### **4. CONSENT AGENDA:**

Ms. Hayes requested that Item 4.A. be removed from the Consent Agenda for discussion. Commissioner Austin requested that Item 4.C. be removed from the Consent Agenda for discussion.

#### **4.A. Consider the Comerica Final Plat, application no. 04-068-FP.**

*(This item has been removed from the Consent Agenda)*

#### **4.B. Consider the Palm Valley Market Center Section 2 Final Plat, application no. 04-072-FP.**

#### **4.C. Consider the Wood Glen Section 8, Lot 1, Block A and Wood Glen Section 1, Phase II, Lots 21 & 22, Block E Amended Final Plat, application no. 04-062-FP.**

*(This item has been removed from the Consent Agenda)*

**4.D. Consider the Village @ Forest Creek, Section 2 Final Plat, application no. 04-070-FP.**

**4.E. Consider the Forest Creek Section 32 Preliminary Plat Extension, application no. 03-025-PP.**

**4.F. Consider the Sonoma South Final Plat Extension, application no. 04-030-FP.**

**Motion:** Commissioner Drapes made a motion to approve Consent Agenda Items 4.B., 4.D., 4.E., and 4.F. Commissioner Thibodaux seconded the motion.

**4.C. Consider the Wood Glen Section 8, Lot 1, Block A and Wood Glen Section 1, Phase II, Lots 21 & 22, Block E Amended Final Plat, application no. 04-062-FP.**

Commissioner Austin asked why the applicant was amending the plat. Ms. Hayes said the owner of Lot 1 discovered that he really could not do much with the property that extended up Creek Bend Boulevard in back of Lots 21 and 22. In talking to his neighbors, it was decided that Lots 21 and 22 could absorb the extra property and increase the size of their yards.

Chairman Kosik asked if there were any other concerns. Hearing none, he called for a motion.

**Motion:** Commissioner Boles made a motion to approve the amended plat. Commissioner Arnold seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

## **5. WITHDRAWN ITEMS**

**5.A. Amendment to the Land Use Plan for 4.474 acres out of the P. A. Holder Survey, Abstract 297, Williamson County, Texas, in the Meadows of Chandler Creek, application no. 04-011-Z.**

It was noted that the applicant has withdrawn 2.20 acres of land out of his original application of 4.474 acres of land out of the P. A. Holder Survey, Abstract #297, Williamson County, Texas, in the Meadows of Chandler Creek Subdivision, application no. 04-011-Z. No action was required on this item.

**6. ITEMS TO BE TABLED**

- 6.A. Consider an application filed by Camco Land, LTD to amend the Land Use Plan for 2.274 acres of land out of the P. A. Holder Survey, Abstract No. 297, Williamson County, Texas within the Meadows of Chandler Creek from a single-family designation to a commercial designation, application no. 04-011-Z.**

The applicant has requested a tabling to the February 16, 2005 meeting.

- 6.B. Consider the Old Settlers Retail Subdivision Final Plat, application no. 04-071-FP.**

The applicant has requested a tabling to the February 16, 2005 meeting.

- 6.C. Consider the Brushy Creek Regional Wastewater Treatment Plant Final Plat, application no. 04-069-FP.**

The applicant has requested a tabling to the February 16, 2005 meeting.

**Motion:** Commissioner Thibodaux made a motion to table Agenda Items 6.A., 6.B., and 6.C. to the February 16, 2005 meeting. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

- 6.D. Consider public testimony regarding the application filed by Brushy Creek Reserve Investments for approval of the Parkside at Mayfield Ranch Concept Plan, application no. 04-008-CP.**

The applicant has requested a tabling to the February 16, 2005 meeting.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony, seeing no one, he closed the public hearing.

**Motion:** Commissioner Pavliska made a motion to continue the public hearing until the February 16, 2005 meeting. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

**6.E. Consider the Parkside at Mayfield Ranch Concept Plan, application no. 04-008-CP.**

**Motion:** Commissioner Arnold made a motion to table the consideration of the approval of the Parkside at Mayfield Ranch Concept Plan. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

**6.F. Consider public testimony regarding the application filed by Sweet Home Baptist Church to rezone 8.82 acres of land out of the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas from PUD (Planned Unit Development) District to TH (Townhouse) District, application no. 04-024-Z; to rezone 8.034 acres of land out of the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas from PUD (Planned Unit Development) District to PF-1 (Public Facilities-Low Intensity) district, application no. 04-025-Z; and to rezone 3.562 acres of land out of the Wiley Harris Survey, Abstract No. 298, in Williamson County, Texas from PUD (Planned Unit Development) district to C-2 (Local Commercial) District, application no. 04-023-Z.**

The applicant has requested a tabling to the February 16, 2005 meeting.

Chairman Kosik opened the public hearings and asked if there was anyone present that wanted to provide testimony, seeing no one, he closed the public hearings.

**Motion:** Commissioner Pavliska made a motion to continue the public hearings until the February 16, 2005 meeting. Commissioner Drapes seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

**6.G. Consider a recommendation to approve the zoning of 8.82 acres of land from PUD (Planned Unit Development) District to TH (Townhouse) District, application no. 04-024-Z.**

**6.H. Consider a recommendation to approve the rezoning of 8.034 acres of land from PUD (Planned Unit Development) District to PF-1 (Public Facilities-Low Intensity) District, application no. 04-025-Z.**

**6.I. Consider a recommendation to approve the rezoning of 3.562 acres of land from PUD (Planned Unit Development) District to C-2 (Local Commercial) District, application no. 04-023-Z.**

**Motion:** Commissioner Pavliska made a motion to approve the request for tabling Items 6.G., 6.H., and 6.J. to the February 16, 2005 meeting. Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

## **7. ZONING AND PLATTING; PUBLIC HEARING/DISPOSITION**

**7.A. Consider public testimony regarding the proposed amendment to the City of Round Rock General Plan 2000 to add the Southwest Downtown Plan.**

Mr. Joe Vining outlined the proposed Southwest Downtown Plan for the Commissioners. Members from the audience included Brenda Montgomery with Texas Pioneer Farm Mutual, Ruth Koughan, Margaret Fink, John Moman, and Nelson Nagle all addressed the Commissioners with approving testimony regarding the overall plan and thanked the various staff members that worked with the citizens of the downtown area. Several comments were made regarding the public participation at the various meetings that were held. All of the speakers felt the City involved the neighbors in creating and formulating the plan.

**7.B. Consider a recommendation to approve the proposed amendment to the City of Round Rock General Plan 2000 to add the Southwest Downtown Plan.**

The Commissioners were all in agreement that the plan showed a lot of work, thought and creativity.

**Motion:** Commissioner Boles made a motion to recommend approval of the Southwest Downtown Plan. Commissioner Pavliska seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Peter Drapes, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Betty Weeks. The motion carried unanimously.

**7.C. Consider public testimony regarding the application filed by the City of Round Rock to rezone 4.6575 acres of land, more or less, out of the A. W. Harris Survey, Abstract No. 298, also known as 1000 E. Main, in Williamson County Texas, from C-1 (General Commercial with the Historic Overlay) District to C-1 (General Commercial) District, application no. 04-018-Z.**

Mr. Stendebach noted that the next three applications were to remove the historic overlay designation on the specific properties.

Ms. Labrosse presented staff's analysis of the request noting both the Historic Preservation Commissioner and staff's recommendation to remove the historic overlay.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.D. Consider a recommendation to approve the rezoning of 4.6575 acres of land from C-1 (General Commercial with the Historic Overlay) District to C-1 (General Commercial) District, application no. 04-018-Z.**

**Motion:** Commissioner Drapes made a motion to recommend approval of the rezoning. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent:

Commissioner Weeks. The motion carried unanimously.

**7.E. Consider public testimony regarding the application filed by the City of Round Rock to rezone a portion of the 19.9841 acres out of the A. W. Harris Survey, Abstract No. 298, formerly known as 106 W. Anderson, Lot 4, Block 15, Anderson's First Addition, in Williamson County, Texas, from SF-2 (Single Family Standard Lot with the Historic Overlay) District to SF-2 (Single Family Standard Lot) District, application no. 04-019-Z.**

Ms. Labrosse presented staff's analysis of the request noting both the Historic Preservation Commissioner and staff's recommendation to remove the historic overlay.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.F. Consider a recommendation to approve the rezoning of a portion of 19.9841 acres of land from SF-2 (Single Family Standard Lot with the Historic Overlay) District to SF-2 (Single Family Standard Lot) District, application no. 04-019-Z.**

Chairman Kosik asked where the house was relocated and if it was done properly. Ms. Labrosse said the request to move the house was presented to the Historic Preservation Commission in 1995. After waiting the required 120 days, the house was moved outside the city limits. Chairman Kosik asked if the proper procedure was followed. Ms. Labrosse said yes.

**Motion:** Commissioner Pavliska made a motion to recommend approval of the rezoning. Commissioner Arnold seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.G. Consider a recommendation public testimony regarding the application filed by the City of Round Rock, to rezone Comfort Suites Subdivision, Lot 1, also known as 420 S. IH 35; and Lot 2, also known as 611 Chisholm Trail, in Williamson County, Texas, from C-1 (General Commercial with the Historic Overlay) District to C-1 (General Commercial) District, application no. 04-020-Z.**

Ms. Labrosse presented staff's analysis of the request noting both the Historic Preservation Commissioner and staff's recommendation to remove the historic overlay.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.H. Consider a recommendation to approve the rezoning of Comfort Suites Subdivision, Lots 1 and 2, from C-1 (General Commercial with the Historic Overlay) District to C-1 (General Commercial) District, application no. 04-020-Z.**

Commissioner Drapes noted that the Comfort Suites was a modern building. He asked why something of that nature would be allowed in an area with a historic overlay. Ms. Brennan said under the former zoning ordinance the property was zoned

C-3, which was called the Chisholm Trail Overlay. She said it allowed new construction that had to follow many criteria that were listed in the zoning ordinance, with one of them being the requirement of 50% masonry/limestone requirement, and it did follow the requirements of the ordinance. The building was approved because it met the zoning criteria.

**Motion:** Commissioner Austin made a motion to recommend approval of the rezoning. Commissioner Drapes seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.I. Consider public testimony regarding the Triple C Subdivision Preliminary Plat, application no. 04-022-PP.**

Chairman Kosik announced that a letter had been received from the applicant requesting that the item be tabled until the February 16, 2005 meeting. He then opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**Motion:** Commissioner Pavliska made a motion to continue the public hearing until the February 16, 2005 meeting. Commissioner Drapes seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.J. Consider the Triple C Subdivision Preliminary Plat, application no. 04-022-PP.**

**Motion:** Commissioner Drapes made a motion to approve the request for tabling the item to the February 16, 2005 meeting. Commissioner Boles seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.K. Consider public testimony regarding the Brushy Creek Regional Wastewater Treatment Plant Preliminary Plat, application no. 04-023-PP.**



Ms. Hayes presented staff's analysis of the project noting staff's recommendation of approval with the following condition:

- The Development Agreement is approved by the City Council prior to the approval of the final plat.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.L. Consider the Brushy Creek Regional Wastewater Treatment Plant Preliminary Plat, application no. 04-023-PP.**

Commissioner Pavliska asked when the project would be completed and if all the property will be used for that purpose? Mr. Stendebach said the applicant has acquired some additional property to locate an office building on, which is also part of their development.

Chairman Kosik referenced plat note #6 regarding the interest and license agreement with the Union Pacific Railroad. He asked why the note was included. Ms. Hayes said the note references the access points.

**Motion:** Commissioner Boles made a motion to approve the preliminary plat as conditioned. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.M. Consider public testimony regarding the Provident Crossings Preliminary Plat, application no. 04-024-PP.**

Ms. Hayes presented staff's analysis noting the recommendation of approval with the following conditions:

1. Add the following note: *The western most 30 ft of the 50 foot landscape buffer shall remain solely for the purpose of landscaping.*
2. The dashed line depicting the 50 ft landscape buffer shall be extended from the southwest corner of Lot 1 to the western boundary of the plat at approximately 320 feet south of Gattis School Road.
3. Remove utilities from plat and provide on a separate schematic.

4. Provide separate drainage schematic.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.N. Consider the Provident Crossings Preliminary Plat, application no. 04-024-PP.**

Chairman Kosik asked for a short explanation of PUD 36 and PUD 37. Mr. Stendebach said the key components for both PUD 36 and 37 provided for business parks with a setback, increased size of the building and a landscape buffer strip along the residential. Chairman Kosik said the landscape buffer would not go all the way to Gattis School Road. Ms. Hayes agreed and explained that the landscape buffer was not a requirement of PUD # 37. Chairman Kosik asked if Lot 2 would have access off of Gattis School Road. Ms. Hayes said the access would be through a flag lot. He said that was good because there would not be a conflict with the landscape buffer and access. Mr. Stendebach agreed and said the property immediately to the west of this area is actually church property and not residential.

**Motion:** Commissioner Pavliska made a motion to approve the preliminary plat as conditioned. Commissioner Arnold seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

**7.O. Consider public testimony regarding the Replat of Amended Sam Bass 7, Lot 1, Block A, application no. 04-067-FP.**

Ms. Hayes presented staff's analysis noting the recommendation for approval of the replat.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony.

Mr. Richard Krafve, a resident at 1421 Ledbetter Street asked if there was a picture that showed how the property was going to be divided. Mr. Adam Rameriz was present on behalf of the applicant. He showed Mr. Krafve and the audience where the individual lots would be. Mr. Krafve asked how the lots would be accessed. Mr. Rameriz said there would be access off of Clark Street.

Chairman Kosik asked if there was anyone else present that wanted to provide testimony for the public hearing. Seeing no one, he closed the public hearing.

**7.P. Consider the Replat of Amended Sam Bass 7, Lot 1, Block A, application no. 04-067-FP.**

Chairman Kosik asked if the lots were a minimum size lot. Ms. Hayes said the lots are minimum 6,500 square feet per the zoning ordinance. Chairman Kosik asked if there would be five building lots with a large amount of land remaining. Ms. Hayes said yes. Commissioner Boles asked what the maximum size of a house would be in the SF-2 District. Mr. Stendebach said the house can cover 40% of the site with the footprint of the house. Mr. Boles asked if the structure could be a two-story house. Mr. Stendebach said a two story house would be allowed. Commissioner Boles felt since the applicant was going to the trouble of the expense associated with replatting the property, he would probably be putting in some nice houses. Mr. Stendebach said the zoning ordinance has no minimum square footage for the home and noted that something like that would be governed by the deed restrictions.

A member of the audience asked what the proposed uses were for the property. Mr. Rameriz said he thought a church had approached one of the owners, but was not sure if that had definitely been decided on. Chairman Kosik asked if there was the potential for another replat of some of the property. Mr. Rameriz said that it was possible.

Commissioner Pavliska asked if there were any improvements planned for Ledbetter Street. Ms. Hayes said in another meeting the Commissioners reviewed another plat on Ledbetter Street, but it was not part of this section of Ledbetter Street that dealt with street improvements. Commissioner Pavliska said he was referring to any and all improvements of Ledbetter Street because there does not seem to be any uniformity in the design. He said it was very obvious on the plat that there are some problems with Ledbetter Street. Commissioner Pavliska asked if it was going to remain as a rural look. Ms. Girard said a year or so ago, some pavement improvements were done within the existing right-of-way but she was not aware of any other plans to do anything further. She said the rural designation fits and any other improvements

would require the acquisition of right-of-way. Chairman Kosik said this was an area of town where the roads are not to the City's standards. He suggested that the City take a look at the street issues in this specific neighborhood as part of a neighborhood plan. Ms. Girard said there were some improvements done on Clark and Ledbetter Streets, but there are definite space restrictions which makes it difficult to bring it to a curb and gutter section. She noted that additional right-of-way would also be needed to address the water. Chairman Kosik asked that this area be put on the list to be reviewed for right-of-way improvements. Commissioner Arnold asked if it would be appropriate to ask this developer to dedicate right-of-way for improvements. Ms. Girard said she thought the City was very limited to ask for right-of-way dedication during the plat process, especially since there is not a change of use proposed. Chairman Kosik noted that this particular area was not the problem area for right-of-way.

Commissioner Arnold asked the condition of the water and sewer line situation in this area. Ms. Girard said there was water and sewer in Ledbetter and Clark streets. Commissioner Arnold asked if it could handle the new development. Ms. Girard said yes.

Commissioner Quick asked if Ledbetter could be improved if it was a one-way street. Ms. Girard noted that going east the street narrows; it would definitely be something that the City would want to discuss with the neighbors and emergency services.

**Motion:** Commissioner Austin made a motion to recommend approval of the replat. Commissioner Boles seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

- 7.Q. Consider public testimony regarding the application filed by KLIP to rezone 16.517 acres of land, more or less, out of the David Curry Survey, Abstract No. 130, in Williamson County, Texas, to SF-2 (Single Family Standard Lot) District, application no. 04-028-Z.**

Ms. Hayes presented staff's analysis noting staff's recommendation of approval of the proposed SF-2 zoning.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.R. Consider a recommendation to approve the zoning of 16.517 acres of land to SF-2 (Single-Family Standard Lot) District, application no. 04-028-Z.**

**Motion:** Commissioner Arnold made a motion to recommend approval of the SF-2 zoning. Commissioner Boles seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Russ Boles, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks. The motion carried unanimously.

*Commissioner Boles left the dias and meeting for the evening.*

**7.S. Consider public testimony regarding the application filed by the City of Round Rock to zone 1.698 acres of land, more or less, out of the Willis Donaho Survey, A-173, in Williamson County, Texas, to OS (Open Space) District, application no. 04-029-Z.**

Ms. Hayes presented staff's analysis noting the recommendation of approval.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.T. Consider a recommendation to approve the zoning of 1.698 acres of land to OS (Open Space) District, application no. 04-029-Z.**

**Motion:** Commissioner Quick made a motion to recommend approval of the zoning to OS. Commissioner Arnold seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks and Commissioner Boles. The motion carried unanimously.

**7.U. Consider public testimony regarding proposed revisions to Chapter 8, Subdivision, Code of Ordinances (1995 edition).**

Ms. Brennan addressed the Commissioners regarding the proposed text amendments to the Subdivision Ordinance. Staff proposes several amendments to the

Subdivision Ordinance which became effective on January 1, 2005. The amendments include language to ensure compliance with the city's new Tree Protection Ordinance, to correct minor errors, to include unintended omissions, and to ensure compliance with recent court decisions.

Ms. Brennan said the following amendments will be brought to the City Council after the final adoption of the Tree Protection Ordinance which is slated for the January 13, 2005 meeting.

**Compliance with new Tree Protection Ordinance**

- A revised definition of the term "protected tree" is included in the Subdivision Ordinance to reflect the new provisions of the Tree Protection Ordinance.
- Proposed amendments to the Subdivision Ordinance include modified application requirements to ensure submittal of a tree replacement plan per the requirements of the new Tree Protection Ordinance. Both a tree survey and a tree replacement plan will be required at the Preliminary Plat stage. In most cases, the tree replacement plan will consist of a letter to the Forestry Manager detailing calculations for replacement and a planting plan.
- In some cases, the developer may prepare either a tree inventory or a partial tree survey in lieu of the normally required tree survey to accommodate unique tracts where a full tree survey is not warranted.
- Written confirmation by the Forestry Manager that the provisions of the Tree Protection Ordinance have been met will be required prior to Final Plat recordation.

**Minor errors and omissions**

Legal staff has requested the following changes to clarify or correct ordinance language and to ensure compliance with other ordinances and the City Charter.

- In the fees section, the term "Plat Note Vacations" is amended to "Plat Vacations" to reflect the appropriate fee and process.
- "Easement Vacation" has been renamed "Easement Release".

- An amendment is included to require the submittal of a deed for dedicated ROW lots at Final Plat recordation.
- A new provision is included that requires the developer to provide title insurance for any dedicated parkland to ensure the property has a clear, unencumbered title.

Chairman Kosik opened the public hearing and asked if there was anyone present that wanted to provide testimony. Seeing no one, he closed the public hearing.

**7.V. Consider a recommendation to approve the proposed revisions to Chapter 8, Subdivisions, Code of Ordinances (1995 edition).**

**Motion:** Commissioner Pavliska made a motion to recommend approval of the proposed revision to Chapter 8, Subdivisions, Code of Ordinances (1995 edition). Commissioner Thibodaux seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks and Commissioner Boles. The motion carried unanimously.

Chairman Kosik announced that the Commissioners would take a short recess.

After a 5-minute recess, Chairman Kosik reconvened the meeting.

**8. ADDITIONAL PLATS**

**8.A. Consider the Hidden Glen Park Subdivision Final Plat, application no. 04-059-FP.**

Ms. Hayes presented staff's analysis of the final plat noting a recommendation of approval with the following condition:

- The zoning and annexation request is approved by City Council.

Chairman asked if there were any questions or comments. Hearing none, he asked for a motion.

**Motion:** Commissioner Pavliska made a motion to approve the final plat as conditioned. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks and Commissioner Boles. The motion carried unanimously.

**8.B. Consider the Windy Park Village Preliminary Plat, application no. 04-025-PP.**

Ms. Hayes presented staff's analysis and recommendation of approval with the following conditions:

1. The access easement located in Lot 26 Block B and Lot 33 Block C, shall be released prior to approval of the final plat.
2. Add the following note to the final plat: Prior to plat recordation the owner shall certify that there are no protected trees or provide an approved tree replacement plan and agreement, and per that agreement replace trees or post fiscal for protected trees.
3. The street name of Windy Cove needs to be replaced it is a duplication.  
This shall be done at the final plat submittal.

Chairman Kosik asked if there were any questions or comments from the Commissioners. A member of the audience asked how many single-family lots were being planned. Mr. Stendebach said there were 48 single-family homes which would be 3 to 4 houses per acre.

**Motion:** Commissioner Pavliska made a motion to approve the preliminary plat as conditioned. Commissioner Austin seconded the motion.

**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks and Commissioner Boles. The motion carried unanimously.

**8.C. Consider the Comerica Final Plat, application no. 04-068-FP. (Item 4.A. removed from the Consent Agenda)**

Ms. Hayes presented staff's analysis to the Commissioners noting staff's recommendation of approval with the following condition:

- That the lien holder's signature be notarized.

Chairman Kosik asked if the Commissioners had any comments or questions. Hearing none, he asked for a motion.

**Motion:** Commissioner Arnold made a motion to approve the final plat as conditioned. Commissioner Drapes seconded the motion.



**Vote:** Ayes: Al Kosik, Dale Austin, David Pavliska, Sandy Arnold, Larry Quick and Ray Thibodaux. Noes: None; Abstain: None; Absent: Commissioner Weeks and Commissioner Boles. The motion carried unanimously.

## **9. PLANNER REPORT AND COMMISSION COMMENTS**

### **9.A. Procedures for announcing conflicts of interest.**

Mr. Crossfield addressed the Commissioners regarding the topic of conflicts of interest. He said he felt this was an appropriate issue to address from time to time. In order to determine whether or not there is a conflict, you must first ask yourself if you have a substantial interest in a business entity. The Statutes defines a substantial interest as owning 10% or more of a voting stock; if you own 10% or more of the fair market value of a business entity; if you own \$15,000 or more of a business entity; if you have been paid by a business entity a dollar amount that is higher than 10% of your gross income; or if it involves real estate and you own \$2500 or more of the fair market value of the real estate; or if you are related to someone to the first degree of consanguinity. If there is a substantial interest you would file an affidavit beforehand that states that there is a conflict and what the conflict is, and then you can abstain from the voting. He said the best advice he could give the Commissioners was to ask him before the meeting just to make sure. Chairman Kosik asked if was better for the Commissioner to leave the dias. Mr. Crossfield said that would be a good idea. He said what a commissioner wants to avoid is leaving the diocese and not filing an affidavit. Mr. Stendebach said there would be forms available at every meeting if there is a conflict of interest.

Mr. Stendebach said staff has been informed that text amendments to the Subdivision Ordinance are not supposed to come to the Planning and Zoning Commission for recommendation. In the future staff will bring the text amendments to the Commissioners as informative information and not as a public hearing with an official action. Chairman Kosik asked if it would be considered as a discussion item at the end of the meeting. Mr. Stendebach agreed. He said he felt it was very important that the Commissioners know what is going on, and if they have comments, the comments can be passed on to City Council. Mr. Crossfield said it is not required by

State law. He and Mr. Stendebach both agreed that it was very important to get the Commission's feedback.

Commissioner Pavliska congratulated Commissioner Boles on his new baby girl.

**10. ADJOURNMENT**

Hearing no further discussion, Chairman Kosik adjourned the meeting at 9:12 p.m.

Respectfully Submitted,

Dianna Hutchens  
Administrative Technician III